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In The United States Patent and Trademark (Office

Appn. No. 10/860,826

Filed: August 27, 2001

Applicant:

Reuben Hertz

Title:

HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER

WITH DIRECTIONAL FLOW CONTROL

939.865

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

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SEP 0 5 2006

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571 273-0025

Signed:

Allen Hertz, Reg. No. 50,942

Date transmitted: September 05th, 2006

Attachments:

Petition to Withdraw Holding of Abandonment (05 pages)

Replacement Part 8 Fcc Transmittal respective to 09/939,865 (1 page)

Exhibit A: Part B Transmittal as originally submitted (1 page)

Fxhihit R. Issue Fee payment and Return Postcard as originally submitted (1 page)

Exhibit C: Return postcard receipt as originally received (1 page)

Certificate of Transmission (this page)

Petition to Revive

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OFFICE OF PETITIONS

Mall Stop: Petition

Commissioner of Patents and Trademarks

Patent and Trademark Office

United Stated Department of Commerce

P.O. Box 1450

Alexandria, VA 22313-1450

Office of Petitions Fax Number: 571 273-0025

SIR:

In response to the Notice of Abandonment Malled 2006, August 30th, Applicant requests to Petition to revive the subject application based upon the following:

Applicant submitted issues fees for the subject application and submitted the incorrect application numbers. Applicant submitted issue fees for the subject application, but inadvertently submitted the fees on papers identified for a previously issued patent, Application number 10/704,517.

Applicant has attached copies of all papers submitted on June 07, 2006 for payment of Issue fees and publication fees which were incorrectly identifying a previously issued patent, USPN 10/704,517. Attached are Part B Fees Transmittal

Petition to Revive

Exhibit A: Part B Fee Transmittal dated June 07, 2006 to 10/704,517 which had already Issued as USPN 6,951,505 on October 4th, 2005.

Exhibit B: Check number 3387 in the amount of \$1000 and respective return postcard stating date of deposit on June 07, 2006.

Exhibit C: The respective return postcard receipt stating date of receipt by the USPTO on June 12, 2006.

Applicant has confirmed with the Office of Petitions that Issue fee payment was received and placed against Application No. 10/704,517 in accordance with the submitted documentation. Applicant notes that Application No. 10/704,517 had issued on October 4th, 2005 and that the subject issue fees were paid on June 07th, 2006.

Applicant respectfully requests the Office of Petitions grant this petition, transfer the Issue fees from Application No. 10/704,517 to Application No. 09/939,865, and withdraw the holding of abandonment of Application No. 09/939,865.

Page 3 of 5

Petition to Revive

CONCLUSIONS

Applicant believes the submitted petition presents sufficient evidence that the Applicant made a bonafide attempt to submit the issue fee and respective publication fee for the subject application prior to the due date of July 28th, 2006.

Applicant has submitted a replacement form, Part B Fee Transmittal respective to Application No. 09/939,865.

The Office has established a shortened statutory period of two (2) months for response to the Notice of Abandonment mailed on August 30th, 2006. Applicant has responded to the Office Action on or before October 30th, 2006 with a proper certificate of correspondence, being submitted in less than Two (2) Months from the date of mailing of the subject Notice of Abandonment. Therefore, the Applicant believes the response is timely. Applicant believes the response provided is complete.

Examiner's amendment, a telephone call to the Agent of Record (Allen Hertz) at (561) 883-0115 (Office)(Please leave a message) or (561) 716-3915 (Cell phone) is respectfully solicited.

Page 4 of 5

Petition to Revive

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Applicant inadvertently used the incorrect part B transmittal and should have used the one reflecting the 09/939,865 application.

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Applicant respectfully petitions to:

- 1) Withdraw holding of abandonment of Application No. 09/939,865.
- 2) Apply the fees submitted on June 07, 2006 from Application No. 10/704,517 to Application No. 09/939,865.

Applicant earnestly believes that Applicant has submitted evidence that the payment was made in a timely manner (June 07, 2006) for a due date of July 28th, 2006 as follows:

Page 2 of 5

Petition to Revive

Respectfully submitted,

Allen D. Hertz

Agent of Record, Reg. No.: 50,942

Please submit all correspondence concerning this patent application to:

Allen D. Hertz

Registration Number: 50,942



PATENT & TRADEMARK OFFICE

Customer Number, 31877 12784 Tulipwood Circle Boca Raton, Florida 33428 Tel / Fax: 561/883-0115 Cell: 561/716-3915

Page 5 of 5

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE

Commissioner for Patents

SEP 0 5 2006

P.O. flox 1450 Nexandria, Virginia 22313-1450 OFFICE OF PETITIONS or Fax (571)-273-2885 INSTRUCTIONS. This four should be used for transacting the ISSUE 19th and PPBI WATRON 19th till required. Process I directly a simulated and the transaction of an internance for will be moded to the content and appropriate maintenance fee ornifications. Note: A conflicute of mailing can certy be used for domestic mailings of Feeter Centernated. This conflicute cannot be used for any estim recompany papers. Lively obliquously piper, such as an assignment or formal drawing in layer its own conflicute of nearing a transmission. CONTRACTOR OF A PROPERTY OF A STREET AND A STREET ASSESSMENT OF A STREET ASSESSMENT ASSE ed 28 250% 715" Certificate of Malling or Transmission.
I because comply that this beets) Transmittal is being deposited with the line States bested Service with sufficient printage for first class mode in our casela addressed to the Mail Stop ISSUP FEE address above, or being bester transmitted to the USPTO 15-11-273-2885, on the date indicated below ALLEN D. HERTZ 12784 TULIPWOOD CIRCLE BOCA RATON, FL 33428 Allen Ø. Hertz All philosophical fram th how 11:3 September 05 Ø06 CONSIDATATION NO FIRST NASH DISSENSES CETOROLO DES SELENCIA SIDE IN STRUCTURE THE SOURCEST 404-27-26911 (Y) 939,865 THE FOLDS TANDED BASION OF APPARABUS FOR IDELETING OF PARTICULATE STATES REWITTED RULE OF ALLE OW COSTROL. BALL DIF PERCENTION ROTAL RESIDEN SMALL SHAY INVESTIG APPEN TYPE 117-14 110% 41. PA V\$18.41 MIS 3710 Corner renging ARTT SEE 1.1.155/SE to 1,155 ESAMINER 1791 ROSE, ROBERT A 451-144-41111 1. Change of crarespancience address or nullcating of The Address' 33 CFR 1.565; 2 for printing on the potent frost page, but Allen D. Hertz of the names of up to 3 registered patent attorneys LI Change of correspondence address our Change of Correspondence Nobless from PTG 816-162 parasited. or agents OR, alternatively. (7) the name of a single firm thaving as a mention of orgentered occurs, of orgent and the matter of open of expected potent attorneys or agents. If no name is fisted, no name will be praired. Lites voories, angreman en "Les wegnes», finfransi jaare PTO SIGA?; Rec 04:02 or more recent anached. Use of a Customer Number is required. 1 ASSIGNED NAME AND RESIDENCE DATA TO DI, PRINTED ON THE PATENT IONIOGISTS? PLEASE NOTE, Ladges on assigned to identified below, no psequed this will appear on the patent. If an assigned to identified below, the document has been filled reconstitutes as set forth in 37 CFM 3.11. Complete in of this form of SCFT a substitute for thing an assignment. any residence attra ad STATI- (accultative) (A) NAME OF ASSIGNIE Please check the appropriate assignee estegory are estegories (will not be retirted on the parent) — 🔲 Indicate at 12 Corp. into a or all or retrieve ratio entitle. 🗀 Cooperate da. The following feet at are enclosed 4h Payasat of Lease XI issue i ce A check in the amount of the feets) is eachised Michiganian Lead Solution of the Commodition of the If the monthly produced it form \$141-2024, is also bed ☐ Advance Order + # of Copies. 🚅 The Director is hereby author seed by charge the readited teast, or credit may overpayment, to Depend Accuma Stafiber terminacian extra copy of this forms. 5. Change in Entity Status (from status indicated above) 🜙 a Applicant elagini SMALL ENTITY sidus. See TOCFR 121 b Applicant is no longer claiming SMALL INTITY status, New 3.7 CFR 1.2 (g) (2). The Directly of the USPTO is requested to apply the Issue Lee and Portleased. Lee of any cost to reapply using previously god none for the application identified above SOTE. The Issue Lee and Publication Lee of Recording will not be accorded from the applicant, a respected afforms of according to consider or other part interest as shown by the records of the Einstein Fiden and Englishment Office.

Allen D. Hortz This collection of information is required by 17 CFR 1.34. The interpolation is required to obtain or retain a benefit by the public which is to the fund by the USECFR proposed an application, Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.4. This collection is estimated to take 12 minutes to complete, including gathering, proparing submitting the completed application form in the USECF time will vary depending upon the militarial case. Any continuous on the amount of mine you require this form and or suggestion for reducing this burden, should be sept to the Chief Information Officer, U.S. Patent and Tradequire Office, U.S. Department of Commission 1430, Alexandria, Virginia 22313-1250. DO NOT SEND 133.5 OR COMPT FEED POINTS TO THE COMPTSE SEND TO Commissions for the day, the third Mexical Confidence of Commissions of the public Commissions of the public Commission of the

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September 05, 2006

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Appendix A

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p.02

SEP 0 5 2006

Application Ser. No. 09/939,865

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p.07

PART B - FEE(S) TRANSMICTAL

SEP 0 5 2006

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Commissioner for OFFICE OF PETITIONS

(571)-273-2885 or Fax

INSTRUCTIONS. This form should be used for transmitting the ISME FIG. and PFB BATION FIG. III required. Breats I through I should be completed with appropriate. All further certification including the flatent advance coders and nonfreshion of maintenance teas with be marked to the content connectionable problems of maintenance teas with be marked to the content connectionable problems. The ADDRESS maintenance for maintenance f

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I between county that this body Transmittal is being deposited with the Universe forest Service with sufficient partiage for that class mail in an excelentificated to the Mint Stop ISSUF FEE address above, in being transmissed to the USPTO (\$71) 273-2885, by the date indicated below ALLEN D. HERTZ 12784 TULIPWOOD CIRCLE BOCA RATON, FL 33428 Allen Ø. Hertz the face of a). September 05 2006 DESCRIPTION OF STREET CONSIDNIA LOIN NO COMPANIA CHARLES NO small value on THE SO FIXED 7 WA 119/27/2011 Reuten Henr 14) 439 RAS TO FOUND INTERS HANDING DEPARATER OR DELIVERY OF PAPERCULATE MATER WITH DIRECTIONAL FLOW CONTROL DATEDLY ROBAL ELESTRICA VIIIZ, TRIPZ INCH HE PRINCIPALITY APPS VILLE HUY YE THE STIFF rangers radial YES 1.1 155.51 to 2.155 LA MINER ARCT SEE 1-21 ROSE, SOMEST A 451-immeriki Change of cryptypinteenee address or indicating of Tee Address' (5) CFR 1 565; 2 from product on the purposition page, but Allen D. Hertz (1) the names of up to 3 registered patent offerneys Library of correspondence Address for Uhange of Clarespondence Nations form PFC 818 (52) attached or agents OR, alternatively. 1.3 the name of a single than thaving us a transport a registered potent attorneys or agent and the names of up to 2 registered potent attorneys or agents. If no name is listed, no name will be printed. I "Lee Address" indication on "hee Address" link color force PTO SB 42; Rev 04-012 or more recent anached. Use of a Customer Somber is required. ASSIGNEE NAME AND RESIDENCE DATA TO DE PRINTED ON THE PATENT formed type: PLEASE SOIL Links on assigned is identified below, no assigned that will appear on the patient. If an assigned is about field below, the document has been filled resorbition as set forth in 3° CFR 3.11. Complete in of this term of SOII a substitute for thought a manifement. AN RESIDENCE WITH AND STATE OR COP'S DON (A) NAMEOR ASSUNCE

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Change in Entity Status (from status indicated above) — Appleant claims SMALL ENTITY status, Sec 373 FR	127 2 24 Supplicant is no longer claiming SMALL ENTITY status. See VICER 1.2 (g) 2.1.

This collection of information is required by 17 CFR 1.31. The information is required to distain or retain a benefit by the public which is to fit; and by the USECLO process an application, Confidentiality is givented by 35 U.S.C. 122 and 37 CFR 1.11. This collection is compared to time 12 minutes to complete, including gathering, propring submitting the completed application form in the USE 10. Time will vary depending upon the individual case. Any continuous in the amount of many you require king this form and or suggestions for reducing this further, chould be sent to the Chief information Officer, U.S. Patent and Tradymark Office, U.S. Department of Continues. I this 13th, Alexandria Virginia 22313-1350. DO NOT SEND THES OR COMPLETED FORMS TO THIS ADDRIVES SEND THE Commissional for this including Virginia 22313-1350.

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Allen D. Hortz

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50,942

Registration No.

Appendix A

Part B Fee Transmittal Originally Submitted on June 07, 2006

PTOL-85 (Rev. 12-04) Approved for use through 04-ME20017.

PART D - FER(E) TRANSMITTAL

Complete and send this form, together with applicable fec(s), to: Mail				Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 (703) 746-4000			
INSTRICTIONS: This form should be used for transmitting the ISSUE PEE and PUBLICATION PEE (it required). Blacks I through 5 should be completed where appropriate. All finither correspondence including the Patent, advance orders and notification of maintenance less will be mailed to the current correspondence including the Patent, advance orders and notification of maintenance less will be mailed to the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance less mailteautures.							
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APPLICATION III	LICHTIMIC	HROT	NAME DIRECTOR	icni	A FERRIGION PODRICE NO	Concirpation for	
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1. Change of correspondence address or Indication of "Fee Address" (37 Change of correspondence address for Change of Correspondence (1) the rames of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered difference difference allowers indication form PTO:SIV47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 3. ASSIGNER NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE, NOTIF: Takes an assigned is identified below, no assigned data will appear on the patent. If an assigned is identified below, the document has been lited for recordation as set finite in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNER							
Phase chack the appropriate energies are unugaries (will not be printed on the patent): 4a. The following fee(a) are unclosed. 4b. Payment of Pee(s): A check in the substant of the fee(s) is enclosed. Payment by credit eard. Form PTO-2038 is attached.							
Advance Order - 4 of Copies Ur The Deposit					charge the required fec(s), or (chelose an extra	r credit any overpayment, w copy of this form).	
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The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to recapply any previously paid issue fee to the application identified above. NOTIFY The Issue Fee and Publication Fee (if required) will not be accepted from myone other than the applicant; a regimered atterney or agent; or the assignee or other party in memory as shown by the regard of the United States Passed and Irradiants Office.							
Authorized Signature		1		17219	June 07, 2006		
Typest or printed isome,	Allen &			Registratio	n No. 50,942		
This culterion of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to tile (and by the USPTO to process an application. Confidentially is giverned by 25 U.S.C. 123 and 37 CFR 1.14. This cultenates by each, 12 inheres to complete, including gathering, inequaling, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this hunter, stoud be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce. P.O. Hox 1450, Alexandria, Virginia 22313-1450. DO NOT SEND PRES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND PRES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND PRES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND PRES OR COMPLETED FORMS TO THIS ADDRESS, send Only control number.							

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Appendix B

Issue Fee Payment, Check No. 3387 for \$1000 Return Postcard

All as Originally Submitted on June 07, 2006

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to my office.

Applicant: Serial No.:

Reuben Hertz

10/704,517

For:

METHOD USING HANDHELD APPARATUS FOR

DELIVERY OF PARTICULATE MATTER

Filea:

November 08, 2003

Issue Fee

Date of Deposit: June 07, 2006

Mail: Enclosuros: Tirst Class Mail

Issue Fee Transmittel (I Page); Check 3387 for \$1000,

Return Postcard

Appendix C

Return Postcard Receipt

All as Stamped on June 12, 2006

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Applicant:

Scrial No.:

Reuben Hertz 10/704-517

09/939,868

For:

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Filed:

November 08, 2003

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Date of Depusit. June 07, 2006 Mail:

First Class Mail

Enclosures:

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Check 3387 for \$1000.

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